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2:12-CV-00252-PMP-RJJ
BK-S-09-14577-BTB
Adv. No. 11-01118-BTB

ORDER

V.

Defendants.

Plaintiffs filed an Adversary Complaint against Defendants in bankruptcy court on April 15, 2011. (Transmittal (Doc. #5), Attach. 3.) On April 19, 2011, Plaintiffs served the Adversary Complaint on Defendants. (In re Sona Mobile Holdings Corp., Case No. 11-01118-BTB, Adv. Doc. #1.) Defendants did not respond. Plaintiffs obtained a Default Judgment on July 26, 2011. (Adv. Doc. #15.) On November 23, 2011, Defendants filed a

1 Motion to Set Aside Default Judgment. (Adv. Doc. #34.)

2 On February 2, 2012, the bankruptcy court granted Defendants' Motion to Set
3 Aside Default Judgment and gave Defendants ten days from the Notice of Entry of Order to
4 respond to the Adversary Complaint. (Adv. Doc. #56.) The Notice of Entry of Order was
5 filed on February 3, 2012. (Adv. Doc. #57.) Within ten days, on February 13, 2012,
6 Defendants filed an Answer and a Motion for Withdrawal of the Reference. (Transmittal,
7 Attach. 1, 5.) The parties dispute whether the Motion for Withdrawal of the Reference was
8 timely. Defendants therefore move to enlarge time to file the Motion for Withdrawal of the
9 Reference.

10 Local Rule 5011(b) sets out the requirements for filing a motion to withdraw the
11 reference. Local Rule 5011(b) states that "[a] motion to withdraw the reference of an
12 adversary proceeding, in whole or in part, must be served and filed on or before the date on
13 which an answer . . . under Fed. R. Bankr. P. 7012 or 7015 is first due." Federal Rule of
14 Bankruptcy Procedure 7012(a) provides that "[i]f a complaint is duly served, the defendant
15 shall serve an answer within 30 days after the issuance of the summons, except when a
16 different time is prescribed by the court."

17 Here, the bankruptcy court prescribed a different time for the Answer to be filed,
18 ordering Defendants to file the Answer by February 13, 2012. Defendants filed the Answer
19 within the ten day extension, and thus their answer is timely. (Transmittal, Attach. 5.)
20 Defendants filed their Motion for Withdrawal of the Reference the same day as their
21 Answer. (Transmittal, Attach. 1.) Therefore, pursuant to Local Rule 5011, Defendants'
22 Motion for Withdrawal of the Reference is timely.

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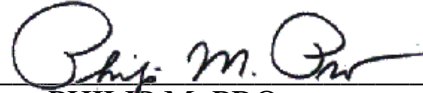
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1 IT IS THEREFORE ORDERED that Defendants eBet Limited and eBet Services
2 Pty., Ltd.'s Motion to Enlarge Time to File Motion for Withdrawal of the Reference (Doc.
3 #10) is hereby DENIED as moot.

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5 DATED: July 28, 2012

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7 PHILIP M. PRO
8 United States District Judge
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